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SEP 25 2006

OFFICE OF PETITIONS

In re Application of Flach	:	
Application No. 09/837,008	:	Decision on Petition
Filing Date: April 18, 2001	:	
Attorney Docket No. 5024-00064	:	

This is a decision on the petition under 37 CFR 1.137(a), filed August 3, 2006, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

Facts:

The application was filed on April 18, 2001.

The application was published on October 25, 2001.

A petition under 37 CFR 1.138(c), power of attorney, and change of address were filed on January 10, 2002. The papers were intended to for application no. 09/873,008. The papers included the correct application number - 09/873,008. The papers were incorrectly entered as part of the instant application.

A "Decision Granting Petition under 37 CFR 1.138(c)" was mailed to an incorrect address on January 16, 2002.

A Notice of Abandonment was mailed to an incorrect address on August 1, 2002.

Discussion:

Petitioner contends the application has not been expressly abandoned. The Office agrees.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee of \$500 will be credited back to petitioner's deposit account.

Technology Center Art Unit 2661 will be informed of the instant decision and the application will be examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions